

State of Rhode Island
and
Providence Plantations

Commissioner of Education

Joann Palmieri

v.

Rhode Island Department of
Elementary and Secondary Education

DECISION

Held: The Rhode Island Department of Elementary and Secondary Education has proven by clear and convincing evidence that “cause” exists for revocation of the teaching certificates held by the Petitioner. The evidence shows that Ms. Palmieri altered her certificate in 2005 to add an area in which she was not certified and presented this certificate to the Providence School Department so that she could bid into a position in special education. She proceeded to teach in this position from 2005 until 2010, when her lack of certification as a special educator was uncovered.

DATE: October 4, 2010

Travel of the Case

On November 10, 2009 Ms. Paulajo Gaines, Director of the Office of Educator Quality and Certification for the Rhode Island Department of Education sent a written notice to Ms. Joann Palmieri with respect to a recommendation she planned to make to Commissioner Deborah A. Gist. Ms. Gaines set forth her plan to recommend that Ms. Palmieri's life certificates in secondary social business and English-as-a-second language content area endorsement be revoked for cause. The letter also described in detail the items of cause on which her recommendation would be based. The letter notified Ms. Palmieri that she could request a hearing prior to the presentation of this recommendation to Commissioner Gist. Ms. Palmieri requested a hearing on November 21, 2009 and the matter was assigned to the undersigned hearing officer pursuant to the Rules Governing Annulment of Certificates. Acknowledgement of Ms. Palmieri's request for a hearing was sent together with proposed dates on December 2, 2009. On December 19, 2009 the hearing officer received notice that Ms. Palmieri would be represented by counsel, and he proposed some alternative hearing dates to permit time for his review of relevant documentation. The matter was finally heard by agreement on April 16, 2010 and again on July 15, 2010 at which time Ms. Palmieri appeared pro se following withdrawal of her attorney.

Counsel for the Department filed a motion to reopen the record on July 23, 2010 to submit additional information and submitted his closing memorandum on behalf of the Department at that time. Ms. Palmieri responded on August 5, 2010, setting forth her position on the motion and summarizing her arguments as to why her certificate should not be revoked. The hearing officer overruled her objection to the introduction of the additional exhibits and closed the record as of September 10, 2010.

Jurisdiction to decide this dispute arises under R.I.G.L. 16-11-4.

Findings of Relevant Facts:

- Joann Palmieri¹ has held life certificates as a teacher of secondary social business education and contingent content ESL teacher since October 21, 2003. RIDE Ex. 6; Tr. Vol. I p.104.
- Ms. Palmieri submitted an application to the Department for an evaluation of her credentials for certification in special education on February 29, 2004. RIDE Ex. 2. After a review of her credentials, it was determined that she did not qualify for this certificate since she was deficient in coursework in several subject areas and lacked the requisite student teaching experience. RIDE Ex. 3. Notice of this evaluation of her credentials was sent to her on April 9, 2004. RIDE Ex. 3; Tr. Vol. I p. 80.

¹ Her certificates were issued under her former name of Joann Velleco.

- At some point in 2005 Ms. Palmieri transferred from a business education position with the Providence School Department to a position in special education. She continued as a teacher of special education in Providence up to September of 2009. Tr. Vol. I pp. 23 and 56. At the time she “bid” into the special education position in 2005, she presented the Providence School Department with a copy of teaching certificate number 037421982, issued to Joann Palmieri, with a residence at 1 Governors Hill, West Warwick, RI, indicating that she was certified in “Life Professional Special Education Secondary & Middle Issued 23-OCT-2003 and Valid For Life.” RIDE Ex. 1; Tr. Vol. I pp. 24, 129-131.²
- In September of 2009 an assignment review was conducted by the Department of Education. During this process teacher assignments were cross-checked with the teachers’ areas of certification and this disclosed an inconsistency between Joann Palmieri’s areas of certification and her special education teaching assignment. Tr. Vol. I p.138; Joint Ex. A.
- At that time, the Providence School Department forwarded “RIDE Ex. 1” to Ms. Gaines, who understood it to be the certificate Providence had on file for Ms. Palmieri. Tr. Vol. I pp. 140-141.
- At the time of hearing, Ms. Palmieri presented what appeared to be an original teaching certificate number 037421982 issued to “Joann Velleco” with a residence at 98 Oaklawn Avenue, Cranston, R.I. and indicating three areas of certification, including “Life Professional Special Education Secondary & Middle Issued 23-OCT-2003 and Valid For Life.” Appellant’s Ex. 4. She testified that this certificate had been issued to her in 2003 by the R.I. Department of Education and that it had been in her care, custody and control ever since. App. Ex. 4; Tr. Vol. I pp. 41-46.
- At no time has Ms. Palmieri ever been certified in special education by the Rhode Island Department of Education. Tr. Vol. I pp. 101-102, 136-137.
- Ms. Palmieri’s credentials would not have entitled her to issuance of a certificate in special education on October 23, 2003. If she had been issued a special education certificate in October of 2003, the initial certificate issued to an applicant at that time was a three-year provisional certificate, the title of which would have been “Special Educator, Middle Secondary Level” followed by the date of issue. Tr. Vol. I. pp. 91-93, 96-100.

² Although Ms. Palmieri testified that she provided RIDE Ex.1 to the Providence School Department at the time she bid into the position in 2005, it must be noted that RIDE Ex. 1 bears a date stamp of the Providence School Department’s Office of Human Resources “09 SEP 11 PM 2:19.” RIDE argues, consistent with Ms. Palmieri’s testimony, that she presented this document in 2005 at the time she bid into the special education position. The alternative inference created by the date stamp on the document would be that Providence did not request documentation that Ms. Palmieri was certified in special education until September of 2009.

- The teaching certificate Joann Palmieri provided to the Providence School Department in 2005 to support her assignment to a special education position was not authentic and had been altered to add an area of certification (“life professional special education secondary & middle”) that she had not been granted by the Department of Education. (record in its entirety).
- Ms. Palmieri accepted compensation from the Providence School district based upon her misrepresentation of her Rhode Island teaching certification. Tr. Vol. I pp. 24, 55-60, 96-97.

Positions of the Parties

Rhode Island Department of Education

The Department takes the position that the evidence in this case clearly establishes that Ms. Palmieri altered her teaching certificate in order to bid into a position in the Providence School Department in 2005. She presented the altered certificate to her employer for her own financial benefit and proceeded to accept compensation over a five (5) year period based upon this misrepresentation. These are the three items of “cause” of which the Department notified Ms. Palmieri on November 10, 2009 and which have been substantiated in this record. Although the Department does not seek to amend its notice to expand the grounds on which it relies for revocation, counsel notes that Ms. Palmieri’s penchant for creating false documents extended into the hearing process. The Department believes that Ms. Palmieri created Appellant’s Exhibit 4 (the alleged original certificate that she contended was issued to her in 2003) and fabricated at least one of the letters of recommendation she submitted to the hearing officer on July 15, 2010.

Ms. Palmieri’s conduct compromises her fitness to hold a teaching certificate in Rhode Island. In teaching students who have special education needs without the proper credentials, Ms. Palmieri knowingly violated R.I.G.L. 16-11-1 which requires that all educators hold appropriate certification from the Board of Regents. Her conduct was, the Department contends, both fraudulent and dishonest. The conclusion that must be reached, based upon the evidence, is that Ms. Palmieri is unfit to teach and that she cannot function as an exemplar for students, as is required by R.I.G.L. 16-12-3. Grounds are presented, the Department submits, for revocation of Ms. Palmieri’s validly-issued certificates in the areas of secondary business education and English as a second language.

Joann Palmieri

Although Ms. Palmieri was able to identify the application to RIDE that she had submitted for a special education certificate on February 29, 2004, she did not recognize or recall receiving the “Certification Status Form” dated April 9, 2004 notifying her of coursework and student teaching that she lacked to be eligible for certification in that area. She did not recall any details surrounding her initial certification in special education or even when she first received the “life certificate” that she presented at the time of the hearing (Appellant’s Ex. 4). Ms. Palmieri was able to identify a copy of a different teaching certificate that the Providence School Department had on file for her (RIDE Ex. 1), but she invoked her Fifth Amendment rights when asked why she presented that certificate when she bid into special education in 2005, rather than the “original” certificate she produced at the hearing. Ms. Palmieri acknowledged that there were differences in the name and address appearing on the certificates Providence had on file and her “original” certificate, but did not explain them.

Ms. Palmieri maintained that RIDE had issued the original certificate she had in her possession and questioned how it was possible for her certificate to have been altered in the manner now alleged by the Department. Ms. Palmieri alluded to the possibility that the certificate had actually been issued to her in error, and that the mistake had not been “picked up by anybody” (Tr. Vol. II pp. 132-134). In response to the assertion by Ms. Gaines that the Certification Office at RIDE had never issued the original certificate in her possession, Ms. Palmieri responded with the question “Well, where did I get it from then? I don’t understand. I really don’t” (Tr. Vol. II p. 134). She submits that the accusation that she altered her certificate is “outrageous” (closing statement dated August 5, 2010).

Ms. Palmieri argues in her closing statement that there are two areas in which she currently holds valid certificates, secondary business education and an ESL endorsement. It would be overly harsh and devastating at this point in her teaching career to be deprived of all of her teaching certificates and her livelihood. She does not have any disciplinary record as an employee of the Providence School Department, has worked very hard and been an effective and dedicated teacher there. She has remained in good standing with the Providence School Department despite challenging issues in her personal life over the past several years. For these reasons, she takes the position that the valid certificates she currently holds should not be revoked, as the Department has recommended.

DECISION

The Rhode Island Department of Education has proven by clear and convincing evidence³ that Joann Palmieri altered her Rhode Island teaching certificate to change her name, address, and add an area of certification (“life professional special education secondary & middle”) which had not been granted by the Department of Education. Further, in 2005 Ms.

³ Even though the standard of proof in certificate revocation cases is a preponderance of the evidence. See Rhode Island Department of Education v. James F. Goodreau, decision of the Commissioner dated July 26, 1989 at page 9.

Palmieri presented an altered teaching certificate to the Providence school district for the purpose of obtaining an assignment to a teaching position for which she did not have valid Rhode Island certification. Since 2005, Ms. Palmieri has accepted compensation from the Providence school district based upon her misrepresentation of her Rhode Island teaching certification. Based on these facts, Ms. Palmieri's unfitness to teach has been demonstrated. There is sufficient cause, as required by R.I.G.L. 16-11-4, for the revocation of her validly-issued certificates in the areas of secondary social business education and ESL endorsement.

The credibility of Ms. Palmieri's assertions in this case was completely undermined by the Department's proof that at least one of the letters of reference that she submitted at the hearing was a forgery. It is regrettable that the deception that occurred at the time she was appointed to work with students with disabilities in Providence was not uncovered at an earlier point in time. The teaching certificates issued to her by the Rhode Island Department of Elementary and Secondary Education under the authority of the Board of Regents are hereby revoked and annulled.

For the Commissioner,

Kathleen S. Murray

Deborah A. Gist

October 4, 2010
Date